

By Mr. Powers, petition of Richard M. Doherty and another for legislation to provide a system of relocation assistance to persons and firms displaced by eminent domain. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

### AN ACT TO PROVIDE A SYSTEM OF RELOCATION ASSISTANCE TO PERSONS AND FIRMS DISPLACED BY EMINENT DOMAIN.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The General Laws are hereby amended by inserting after  
2 Chapter 79 the following new chapter: —

#### 3 CHAPTER 79A

#### 4 RELOCATION ASSISTANCE

5 *Section 1.* It is hereby declared that the use of the power  
6 of eminent domain by the commonwealth and its agencies and  
7 subdivisions for various purposes has increased, that the use  
8 of such power creates hardships and results in inequities to  
9 persons, businesses and institutions displaced thereby because  
10 of the magnitude of the displacement, the shortage of decent,  
11 safe and sanitary accommodations for those displaced and the  
12 inequality of treatment of such persons by different agencies  
13 acting under different laws, that the commonwealth has an  
14 equitable obligation to provide assistance to persons, firms and  
15 institutions displaced as a result of the exercise of the power  
16 of eminent domain, and that the provision of such assistance  
17 in the manner and for the purposes set forth in this chapter  
18 is a public use and purpose for which public funds raised by  
19 taxation may be expended.

20 *Section 2.* This chapter shall be known and may be cited  
21 as "The Relocation Law". The relocation law shall be inap-  
22 plicable to all federally-aided urban renewal projects carried

23 out in accordance with the provisions of chapter one hundred  
24 and twenty-one, and in any instance and to whatever extent its  
25 applicability would render the commonwealth or any depart-  
26 ment, agency, instrumentality or political subdivision thereof  
27 ineligible for relocation assistance that would be otherwise  
28 available under any federal law or any other state law.

29 *Section 3.* The following terms wherever used in this chapter  
30 shall, unless a different meaning clearly appears from the con-  
31 text, have the following meanings: —

32 “Business unit” means a room, suite or other combination of  
33 rooms, structure, building or buildings occupied and used for a  
34 business, commercial, industrial, institutional, religious, chari-  
35 table or other non-residential purpose which unit is to be dis-  
36 placed by any public project or any project of a private entity  
37 authorized to use the power of eminent domain for said project.

38 “Dwelling unit” means a room, suite of rooms, apartment,  
39 trailer or house occupied by one or more persons for residen-  
40 tial purposes which unit is to be displaced by any public proj-  
41 ect or any project of a private entity authorized to use the  
42 power of eminent domain for said project.

43 “Occupants” means the person or persons occupying a  
44 single dwelling unit or the person or persons, partnership, cor-  
45 poration, institution or other entity occupying a single busi-  
46 ness unit on the date the land on which such dwelling or busi-  
47 ness unit is located is acquired by eminent domain or by nego-  
48 tiation in lieu thereof.

49 “Relocation agency” means the redevelopment authority of  
50 the city or town, if any, otherwise the city or town or such  
51 authority, department, officer or other agency of the city or  
52 town as the city manager, if any, otherwise the mayor of a  
53 city or the board of selectmen and town manager, if any, of a  
54 town shall designate.

55 “Taking agency” means the commonwealth, any depart-  
56 ment, agency, instrumentality or political subdivision thereof  
57 and any other authority or governmental body, however de-  
58 nominated, which takes land within the commonwealth by  
59 eminent domain or by negotiation in lieu thereof, and any  
60 private entity authorized to exercise the power of eminent

61 domain under the laws of the commonwealth.

62 *Section 4.* Whenever the occupants of any dwelling unit or  
63 business unit are displaced because of the acquisition by emi-  
64 nent domain, or by negotiation in lieu thereof, of the land upon  
65 which such unit is located, such occupants shall, prior to any  
66 displacement, receive payments for moving expenses; provided,  
67 however, that moving expenses shall be deemed to be at least  
68 twenty-five dollars and shall not be deemed to exceed two  
69 hundred dollars in the case of the occupants of a dwelling unit  
70 and shall be deemed to be at least one hundred dollars and  
71 shall not be deemed to exceed three thousand dollars in the  
72 case of the occupants of a business unit.

73 The state housing board shall promulgate rules and regula-  
74 tions which shall govern the procedures to be used by taking  
75 and relocation agencies in determining moving expenses of  
76 occupants.

77 The taking agency or, in the case of projects to which sec-  
78 tions six and seven apply, the relocation agency shall author-  
79 ize the payment of the prescribed minimum moving expenses  
80 to the occupants of each dwelling or business unit at least  
81 thirty days prior to the date on which such occupants are re-  
82 quired to move by the taking agency.

83 An occupant of a dwelling or business unit shall be given a  
84 notice, at the same time as they are paid the minimum moving  
85 expense payment, informing them of their rights under the  
86 relocation law, giving the name and address of the agency with  
87 which petitions for the award of additional payments for mov-  
88 ing expenses may be brought and describing the procedure to  
89 be followed on such petitions. Within three months after the  
90 date any such occupants are required to move or receive the  
91 payment and notice prescribed above, whichever is later, said  
92 occupant may petition the agency designated in the notice for  
93 such additional payments for moving expenses as are pre-  
94 scribed by the procedures set forth in this section.

95 Any occupant who fails to petition the appropriate agency  
96 within the prescribed period shall be deemed to have waived  
97 his rights to payment for any moving expenses in addition  
98 to the minimum payment.

99 Any occupant aggrieved by the determination of the reloca-  
100 tion or taking agency under this section may appeal to the  
101 state housing board within thirty days from the date of re-  
102 ceipt of notice of said determination and the disposition of  
103 said board of such appeal shall be final.

104 *Section 5.* Whenever the plans of any taking agency indi-  
105 cate that projects of such agency to be commenced during the  
106 ensuing twelve months will involve the acquisition by eminent  
107 domain or by negotiation in lieu thereof properties in any city  
108 or town which will require the removal of twenty-five or more  
109 dwelling or business units, the taking agency shall so inform  
110 the relocation agency, or, if no relocation agency has been or-  
111 ganized or designated in such city or town, shall so inform the  
112 city manager, if any, otherwise the mayor of a city or the  
113 selectmen and town manager of a town, who shall thereupon  
114 designate the relocation agency for such city or town.

115 As soon as the taking agency is prepared to divulge prelimi-  
116 nary plans for a project involving acquisition of properties  
117 requiring removal of twenty-five or more such units in any  
118 city or town, and in any event at least three months prior to  
119 the date it intends to acquire such properties, the taking  
120 agency shall file with the relocation agency its preliminary  
121 plans and proposed schedule for the completion of the project,  
122 which plans and schedule shall be sufficiently complete to indi-  
123 cate the approximate location of the project and amount of  
124 property to be taken and the proposed dates for land acquisi-  
125 tion, for requiring occupants to vacate dwelling and business  
126 units on such land and for commencing construction. With re-  
127 spect to such projects, relocation assistance shall be furnished  
128 in accordance with sections six and seven and the making of  
129 payments for minimum moving expenses, and entertaining of  
130 petitions for additional payments under section four, shall be  
131 the responsibility of the relocation agency. A taking agency  
132 may treat general projects as a single project for the purposes  
133 of this chapter.

134 *Section 6.* At the time such preliminary plans and schedule  
135 are filed the taking agency shall either contract to pay all  
136 expenses reasonably incurred by the relocation agency in the

137 preparation of the plan as they become due or advance to the  
138 relocation agency a sum of money reasonably calculated to be  
139 sufficient to meet such expenses as they become due.

140 Upon receipt of the preliminary plans and proposed schedule  
141 of the taking agency, the relocation agency shall cause a relo-  
142 cation plan to be prepared showing the number of dwelling  
143 units and business units to be displaced by the proposed proj-  
144 ect and the availability of other suitable accommodations for  
145 the occupants, also showing through which agency and by  
146 what means the occupants of such dwelling and business units  
147 are to be relocated, and shall also prepare a budget. Such  
148 plan shall be sufficiently complete to indicate the functions and  
149 staffing of the relocation office and the methods to be used for  
150 interviewing occupants, for inspecting and referring vacancies  
151 to occupants, for temporarily or permanently relocating occu-  
152 pants, and making payments for moving expenses to occupants  
153 within the time permitted by the proposed schedule of the  
154 taking agency. Such plan shall be completed as expeditiously  
155 as possible and upon completion, copies thereof shall be filed  
156 with the taking agency; provided, however, that on or prior to  
157 the date scheduled for land acquisition, the relocation agency  
158 shall file such plans as are then completed with the taking  
159 agency.

160 Such budget shall contain estimates of the total payments  
161 for moving expenses to be required in connection with the  
162 project and shall contain a detailed budget for all operating,  
163 overhead, administrative, legal, salary and other expenses to  
164 be incurred by the relocation agency in both preparing and  
165 carrying out the relocation plan. Such budget shall be sub-  
166 mitted to the taking agency for its approval not later than one  
167 month before the date scheduled for land acquisition. Within  
168 two weeks after such submission the taking agency shall re-  
169 turn the budget to the relocation agency either fully approved  
170 or approved in part and accompanied by a statement of its  
171 reasons for disapproving any part not approved and shall pay  
172 the relocation agency an amount equal to the total of all ap-  
173 proved budget items less amounts already advanced. If the  
174 taking agency fails to return such budget within such period,

175 it shall be deemed to have approved the budget as submitted  
176 and to have contracted with the relocation agency for the im-  
177 mediate payment of a sum sufficient to meet the total budget.  
178 Any budget returned to the relocation agency not fully ap-  
179 proved shall be forthwith submitted to the state housing board,  
180 which shall within one week of said submission approve, re-  
181 duce or disapprove any item budgeted by the relocation agency  
182 and disapproved by the taking agency. The decision of the  
183 state housing board shall be final and conclusive upon the tak-  
184 ing agency and the relocation agency and upon the filing of  
185 such decision with such agencies, the taking agency shall pay  
186 the relocation agency a sum sufficient to meet all items, if any,  
187 found to have been improperly disapproved by the taking  
188 agency. Any modification in the budget shall be proposed by  
189 the relocation agency, approved or disapproved by the taking  
190 agency and, to the extent disapproved, arbitrated by the state  
191 housing board in the same manner as an original budget. The  
192 relocation agency shall keep complete records of all expenses  
193 incurred and expenditures made in planning and carrying out  
194 the relocation plan, which records may be examined by the  
195 taking agency at all reasonable times, and shall be account-  
196 able to the taking agency for all funds contributed by it.

197 *Section 7.* The relocation agency may itself prepare and  
198 carry out, or may contract or co-operate with any local, re-  
199 gional or state agency or department or private, charitable or  
200 social agency for the preparation and carrying out of a reloca-  
201 tion plan; provided, however, that any contract with a private,  
202 charitable or social agency shall be approved by the taking  
203 agency. The relocation agency of any city or town may join  
204 or co-operate with the relocation agency of any other cities or  
205 towns in the preparation and carrying out of a relocation plan  
206 for any project or projects. Copies of all plans and schedules  
207 filed by a taking agency with a relocation agency and of all  
208 relocation plans shall be filed with the state housing board,  
209 which may assist relocation agencies with staffing and other  
210 problems, collect information as to the availability of and need  
211 for accommodations for occupants on a regional and state-wide  
212 basis, and furnish such information to any relocation agency

213 or interested person. The state housing board shall prescribe  
214 such forms and promulgate such standards as necessary to  
215 guide both taking agencies and relocation agencies in the per-  
216 formance of their responsibilities as specified in the reloca-  
217 tion law. The taking agency shall keep the relocation agency  
218 fully informed as to all changes in its plans or schedule for the  
219 project, and shall file final plans for any project with the relo-  
220 cation agency as soon as practicable, and in any event no later  
221 than the date the properties affected are acquired.

The following information was obtained from a review of the files of the [redacted] and is being furnished to you for your information. It is to be understood that this information is being furnished to you in confidence and should not be disseminated outside of your office.

[The remainder of the page contains several paragraphs of extremely faint, illegible text, likely due to the quality of the scan or the nature of the original document.]